

# 2000 REPORT OF THE DIVISION OF STATE COURT ADMINISTRATION

---

## LILIA G. JUDSON, EXECUTIVE DIRECTOR

The Division of State Court Administration is a statutory office created to assist the Indiana Supreme Court in the administration and management of Indiana's judicial system. The Division staff serves under the direct authority of the Chief Justice. The Supreme Court and the General Assembly assign duties to the Division.

**1) Statistics.** Pursuant to Indiana Code 33-2.1-7-3 and Indiana Supreme Court Administrative Rules 1 and 2, the Division collects and publishes information on the caseload and fiscal activities of all courts and probation offices throughout the state. The data is published annually in a report entitled *The Indiana Judicial Service Report* and *The Indiana Probation Report*. This data provides the empirical basis for policy decisions by the Indiana Supreme Court and the Indiana General Assembly. The statistical data is gathered on a calendar year basis. The 2000 statistics indicate a continued increase in the number of cases filed in and disposed by Indiana's courts of record.

**2) Legal Responsibilities.** The Supreme Court and the Chief Justice assign the majority of the legal responsibilities of the Division. The Division legal staff serves as counsel to the Supreme Court in all matters involving attorney discipline and all requests for the appointment of special judges, special masters, and senior judges. In fiscal year 2000/2001, Division legal staff assisted the Supreme Court in disposing of ninety-five disciplinary matters. As part of this disciplinary function, Division staff conducts preliminary investigations of disciplinary grievances filed against members and staff of the Indiana Supreme Court Disciplinary Commission, attorneys who are serving as hearing officers in disciplinary cases, as well as requests for review of decisions by the Disciplinary Commission and the Indiana Commission on Judicial Qualifications.

Supreme Court rules governing the method of special judge selection call for the establishment of local rules for such selection and certification to the Supreme Court in certain unusual circumstances.

The Division maintains and monitors all local rules establishing plans for special judge selection, and reviews and processes requests for the appointment of special judges by the Supreme Court. In fiscal year 2000/2001, 122 new requests for special judge appointments were reviewed.

Various federal and state laws, rules and regulations as well as U.S. Supreme Court rulings affect the managerial and administrative responsibilities of trial judges. Since 1996, Division legal staff has provided assistance and advice to trial judges on employment related issues. Additionally, staff has provided training both on regional and local levels on issues such as Sexual Harassment Sensitivity Awareness, the Americans With Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, Effectively Disciplining and Terminating Problem Employees, and Effective Use of Policies and Drug Testing.

**3) Rule Amendments, the Supreme Court Committee on Rules of Practice and Procedure.** The Executive Director of the Division serves as Executive Secretary of the Indiana Supreme Court Committee on Rules of Practice and Procedure and assists the Committee and the Supreme Court in drafting and promulgating amendments to the Indiana Rules of Court. After extensive review and public commentary, the Committee recommended and the Indiana Supreme Court adopted a new set of appellate rules for Indiana, effective January 1, 2001.

During three regional full-day seminars, staff of the Division together with staff of the Office of Supreme Court Administrator, Indiana Judicial Center, the Court of Appeals Administrator and Clerk of the Supreme Court worked with some 600 trial court clerks and employees on the implementation of the new appellate rules.

**4) Judicial Qualifications /Nominating Commission.** Pursuant to Indiana Code 33-2.1-7-3(a)(4), the Division provides legal and administrative staff support to the Indiana Commission on Judicial Qualifications and the Indiana Judicial Nominating

Commission. As part of this function, Division staff distributes, collects, and processes all Statements of Economic Interest submitted by judges and prosecuting attorneys.

**5) Senior Judge Program.** In 1989, the General Assembly enacted legislation allowing the Indiana Supreme Court to utilize the services of former judges who have been certified as Senior Judges by the Indiana Judicial Nominating Commission. The program, small at first, has grown into an invaluable resource of about eighty seasoned judicial officers who serve at minimal cost. During fiscal year 2000/2001, almost 3,600 days of service in trial courts and the Indiana Court of Appeals were logged by senior judges. The Division administers all aspects of the program, starting with certification by the Nominating Commission, processing of requests for appointments by the Supreme Court, and administering payroll and benefits for the participants. During fiscal year 2000/2001, Division staff processed 323 requests for senior judge appointments to specific courts.

**6) Weighted Caseload Measures and Caseload Redistribution Plans.** As a result of a two-year study of Indiana courts conducted by the Judicial Administration Committee of the Indiana Judicial Conference in conjunction with the Division and an independent consultant, Indiana developed and implemented a system for measuring caseloads based on relative weighing of case types. Under this process, weights are applied only to new cases coming into the system. These statistics, as well as a relative severity measure, provide the Indiana Supreme Court and the Indiana General Assembly crucial information for allocation of judicial resources.

Based on the weighted caseload data, all trial courts developed local plans for caseload redistribution first, among the courts within each county, and second, among the counties within each judicial district. Substantive and procedural changes that have taken place since the initial weighted caseload measures study prompted an update and revalidation of the weighted caseload measures system by the Judicial Administration Committee of the Judicial Conference and the Division. Completion of this reevaluation process is expected at the end of 2001.

**7) Judicial Technology and Automation Committee (JTAC), Trial Court Technology Initiative, and AIMS.** In a concerted effort to move Indiana's judicial system into the 21st century, the Indiana Supreme Court established a Judicial Technology and Automation Committee (JTAC), chaired by Justice Frank Sullivan, Jr., and staffed by the Division, to guide the Court in automating Indiana's judicial system. As a first step, JTAC, with Division staff support, provided Internet and e-mail access to all judicial officers and elected clerks by providing the necessary hardware, software, and funds for Internet service providers. Under this program, trial courts and clerks received over 130 new and 150 used computers. With funds from the same grant, the Supreme Court plans to enter into an agreement with Ivy Tech to provide to any interested judicial and court personnel training in any of the computer courses offered by Ivy Tech. JTAC's third goal is to make a legal research capability available to every judicial officer in the state through a group contract.

JTAC's efforts also met with success in the legislative funding arena. Beginning July 1, 2001, the court costs for each case filed in Indiana will include a \$2.00 technology fee which is dedicated to funding judicial technology. In addition, the legislature earmarked two million dollars for JTAC during the next biennium.

With the availability of funds, JTAC plans to move quickly during the next biennium toward implementing its long range goals of establishing connectivity between systems, implementing AIMS (Automated Information Management System) standards, and ultimately moving Indiana's courts toward a modern case management system.

**8) Indiana Conference for Legal Education Opportunity (CLEO).** Since 1997, the Division has administered the first in the nation state-sponsored Conference for Legal Education Opportunity (CLEO). The program is guided by an advisory committee, which is chaired by Chief Justice Randall T. Shepard. The goal of this program is to increase the number of minority and other disadvantaged students in Indiana's law schools. Indiana CLEO provides an intensive six-week summer institute to prepare the students for the rigors of their law school education. Those who successfully complete the institute and pursue a legal education in an Indiana law school receive a stipend. Since its

creation, the program has grown not only in the number of student fellows but also in the range of services offered. An effective summer job program, bar admission assistance, a useful newsletter, and extensive opportunities for involvement with the Indiana legal community now add to the opportunities offered through Indiana CLEO. During the fiscal year, the Division hired a full-time Indiana CLEO coordinator to help administer the growing program and continue to expand avenues for new opportunities for the students.

**9) Civil Legal Aid Fund.** Since 1997, the Division has been responsible for administering a state fund for legal assistance to indigent persons in civil cases. In July of 2000, and January of 2001, the Division made distributions, totaling one million dollars, to organizations providing civil legal aid services to Indiana's poor. The number of qualified organizations grew from eleven to twelve during the fiscal year. Distributions are based upon an analysis of each county's civil caseload, as it relates to the caseload for the entire state, and the number of organizations serving each county. During the year, preparation was made for the anticipated change in the structure of legal services for the indigent in Indiana. Under new federal guidelines, only one organization would be receiving money from the Legal Services Corporation for indigent services in Indiana. It is expected that with the merger of services and assumption of service areas, the number of providers in Indiana will decrease to ten.

In order to provide an empirical basis for evaluation of the program, the Division staff structured and instituted a data collection system whereby service providers collect and report on the services they provide to the poor in a uniform manner susceptible to analysis. The first Civil Legal Aid statistical report will be compiled in the fall of 2001.

**10) Court Improvement Grant.** The Indiana Supreme Court, through its Court Improvement Executive Committee and with the benefit of federal funds, continued a Court Improvement Project. The gist of the project is to promote and fund projects focused on improving services in cases involving abused and neglected children. The Division serves as the project director and fiscal administrator. Although the purpose and overall framework of the project are set by the U.S. Department of Health and

Human Services and the American Bar Association's Center on Children and the Law, the Supreme Court and the members of an executive committee have guided the direction of the Indiana program. During the initial phase of this multi-phased project, the committee identified several areas of particular concern, which were targeted in subsequent phases. In the second phase, eighteen county level programs aimed at expediting CHINS cases were implemented. During a third phase, efforts were focused on larger, more comprehensive improvements in the delivery of services to children in the more populous counties of Lake, Marion, Elkhart, and St. Joseph. In addition, Putnam County initiated an innovative mediation program in family court type cases with funds from the CIP grant. The Supreme Court anticipates that the innovative programs developed through this grant will markedly improve the delivery of services to Indiana's children.

**11) Information Management.** Pursuant to a statutory directive, the Division is to examine and administer the business methods and systems employed in the offices of the courts, clerks and others serving the courts and recommend necessary changes. In performing this function, the Division assists Indiana courts and clerks with managing judicial information from its creation, to maintenance, access, and disposal. A core goal is the disposal of nonpermanent records through the use of a records retention schedule promulgated by the Supreme Court. As part of this effort, the equivalent of 250 four-drawer file cabinets of records were destroyed throughout Indiana's trial courts.

The Division staff also reviewed microfilming and imaging programs in a number of courts and published updated administrative manuals on confidentiality and protective orders. Under its statutory charge, the Division develops data requirements and forms for use in protective order cases. During the reporting year, Division staff worked closely with the Protective Order Committee of the Indiana Judicial Conference on the design and deployment of new protective order forms on the Internet.

The staff conducted twenty-five on-site visits over twenty-nine days to assist courts and clerks with their information management duties. During the reporting year, the Division staff also prepared help manuals on

the new Appellate Rules, Statistics and Information Management to be used by clerk and court personnel.

**12) Accounts Management, Payroll and Claims, Judicial Benefits Coordination.** The Division maintains and administers twelve accounts, totaling approximately \$62,000,000. The administration of payroll and benefit program for all state trial court judges, prosecuting attorneys, and other judicial officials paid with state funds is part of this fiscal responsibility. The annual payroll account for this purpose is upwards of \$55,000,000 and covers approximately seven hundred individuals. Also, as part of this "paymaster" function, the Division processes and pays in excess of 3,200 claims per year for special and senior judge service.

During the reporting year, Division staff in conjunction with a committee of the Indiana Judges' Association completed the development of a current Judicial Benefits Manual. The completed product was distributed to all judges during the fall meeting of the Indiana Judicial Conference.

**13) Indiana Office of GAL/CASA.** In 1989, the Indiana General Assembly established an office of Guardian Ad Litem and Court Appointed Special Advocate services to be administered through the Division. Through this program, counties are encouraged to provide appropriate GAL/CASA services by receiving matching state funding administered by the Division and disbursed pursuant to a statutory formula. In addition, Division staff provides training and support services for local GAL/CASA programs. An advisory commission, which includes program directors and judges appointed by the Indiana Supreme Court, provides guidance. Last year, seventy-seven counties qualified for and received state GAL/CASA funds. During the reporting year, staff assisted Marshall County in establishing, training and orienting a new program. Staff participated in training volunteers in ten county programs and compiled a comprehensive report reflecting information on the number of GAL/CASA volunteers and the number of children served in Indiana. On November 4, 2000, the Division again sponsored an annual GAL/CASA state conference. Over 300 CASA volunteers, local program directors, service providers, board members and local program staff attended.

With the help of a two-year grant from the National CASA Association, the Division is providing enhanced services, which include a quarterly newsletter and quarterly regional training for program directors.

**14) Family Courts Project.** As part of his 1999/2000 budget request, Chief Justice Shepard had sought and received funding for a two-year pilot project to test ways of improving how the courts handle cases of children and families. This initiative resulted in the launching of three family court pilot projects in Monroe, Johnson and Porter Counties. A Family Court Task Force, chaired by the Hon. Margret Robb of the Indiana Court of Appeals, provides leadership and guidance for the project. Each of the three pilot counties has instituted one or more of the different family court models being tried across the country. Such models include using a family court case manager to identify problem families, linking and transferring all target cases of a household before one judicial officer, coordinating service delivery, sharing of information, and monitoring the cases to closure. Each of the pilot counties has convened a local advisory task force comprised of members of the local family law bar and representatives of other local entities involved in the processing and outcome of family cases.

In order to facilitate the smooth operation of the projects, Division staff, in conjunction with the consultant, the Task Force, and the project participants, proposed for adoption by the Supreme Court a set of unique Family Court Project Rules of Procedure to be used by the pilot counties for the duration of the project. The Supreme Court approved the proposed rules.

The Division also obtained a grant through the Indiana Criminal Justice Institute to evaluate the projects' success and to conduct a statewide needs assessment of family court principles. The evaluation is in progress and a report will be published at the end of 2001.

The success of the first three pilot sites encouraged the Court to seek and the Legislature to appropriate funds for the continuation and expansion of the project through a second phase. During such second phase, the Court will encourage the development of district-wide or multi-county family case coordination efforts with a focus on mediation services. An application process has already been initiated, and the task force expects to launch the new projects by the end of 2001.



**15) Public Defender Commission.** Pursuant to statute, the Division provides staff support to the Indiana Public Defender Commission and administers the Public Defender Fund. The Commission sets standards for indigent defense services in capital and non-capital cases and administers a program of reimbursements to qualified counties under IC 33-9-14-4. Between July 1, 2000, and June 30, 2001, staff met with judges and local officials on fifteen separate occasions and participated in five judicial district presentations. During the same period, the Commission approved eleven new counties to receive reimbursements for non-capital cases.

During the 2001 session of the General Assembly, the appropriation for the Public Defense Fund was substantially increased. For fiscal year 2001-2002, the Fund's appropriation will increase from \$2.4 million to \$6.0 million. For fiscal year 2002-2003, the appropriation will increase to \$7.0 million.

At present, forty-eight counties have comprehensive plans approved by the Commission for delivery of indigent services. Currently, over fifty percent of the state's population resides in counties eligible to receive reimbursements under the program. The Commission approved reimbursements to fourteen counties in twenty separate death penalty cases in fiscal year 2000-2001, totaling \$712,055.

The Commission temporarily suspended reimbursements in non-capital cases during the year due to a shortfall in funding. However, by the end of the fiscal year, all suspended reimbursements had been paid in full. In non-capital cases, during fiscal year 2000-2001, the Commission approved reimbursements for thirty-eight counties totaling \$3,669,318. This amount was lower than anticipated due to several counties delaying submission of fourth quarter claims in order to avoid suspension of reimbursements as set forth above. Consequently, claims for the next fiscal year should be higher than originally projected.

**16) The Internet and Traditional Publications.** The Division publishes a newsletter, *The Indiana Court Times*, which serves as a communication link with the trial courts, their staff, the clerks of court, and all other entities involved in the courts' work. During the reporting year, the Division undertook the responsibility of designing and maintaining the

website for the appellate level courts and their adjunct offices. In addition to court opinions, rule amendments, and other information about Indiana's judiciary, downloadable forms, summary statistical reports, and advisory opinions, issued by the Indiana Commission on Judicial Qualifications, are now available on the website.

**17) Automation and Technical Services.** The Technical Services Section of the Division provides technical support to all appellate level courts and their adjunct agencies and staff. The staff completed a number of important projects during the reporting year, including the installation of new computer equipment for a significant portion of the appellate judiciary. As part of that project and in conjunction with JTAC, the replaced equipment was refurbished and made available to trial courts and clerks throughout the state. The firewall protecting the network was replaced to provide a more secure environment for the courts. New network infrastructure was installed for the Supreme Court agencies and Court of Appeals upgrading old non-powered hubs to powered intelligent hubs. This included the installation of fiber optic cable to connect the various wire closets together.

Several web projects are currently under development. They include the deployment of attorneys' continuing legal education credit hours on the Internet and a listing of courses offered. Work has also been started on posting the Supreme Court, Court of Appeals, and Tax Court's docket on the Internet as well as the Roll of Attorneys.

**18) Indiana Supreme Court Commission on Race and Gender Fairness.** Sparked by concerns about race and gender fairness in Indiana's justice system, the Supreme Court, through an administrative rule, created the Indiana Supreme Court Commission on Race and Gender Fairness in 1999. The Division of State Court Administration serves as support staff to the Commission. At the request of Chief Justice Shepard, the 2001 General Assembly appropriated a distinct budget for the work of the Commission.

The Commission's charge is to study the status of race and gender fairness in the judicial system and recommend ways for improvement. The Commission has divided into subcommittees, which are studying the following topics: Language

and Cultural Barriers, Make Up of the Profession, Treatment by the Courts, and Civil, Domestic, Family, and Employment law issues, all of which are growing concerns in Indiana.

Since its inception, the Commission has researched statistical census and demographic data, identified broad issues which it will study, determined the means by which it will collect information regarding those issues and created a website and informational brochure.

During the summer of 2001, the Commission will host seven Community Forums in six locations across Indiana, which will afford all Indiana residents the opportunity to voice concerns on race and gender fairness issues in Indiana's judicial system without necessitating lengthy travel. The Community Forums commence in New Albany and conclude in Indianapolis. The Commission will host one forum in Spanish and provide Spanish interpretation at all forums. After the Community Forums, the Commission will analyze the data and produce a final report with recommendations in 2002.

Representatives of Indiana's judiciary, the practicing bar, academia, state and local governments, public organizations, and law enforcement and corrections comprise the twenty-five member Commission, chaired by former Indiana Supreme Court Justice Myra Selby. The Commission is on its way to fulfilling its mission and will provide assistance, as the Supreme Court desires, to implement any recommendations adopted by the Supreme Court.

**19) Task Force on Voice Recognition Technology Initiatives.** Chief Justice Randall Shepard appointed a six-judge *ad hoc* Task Force, chaired by Judge Daniel Vanderpool of the Wabash Circuit Court, to study innovations in court reporting systems. He further assigned Division staff to assist the Task Force in its work. The primary focus of the Task Force was to study the use of speech recognition technology in the court-reporting arena.

During the reporting year, the Task Force viewed and studied several court reporting systems. Their work culminated in a draft recommendation, which will be submitted to the Chief Justice. The Task Force plans to recommend that the Supreme Court authorize pilot projects in Floyd and Carroll counties at the expense of those counties and another two

pilot projects in Porter and Lake counties with the assistance of state funds. The Task Force is in the process of finalizing its recommendation for submission to the court.

**20) Judicial District Business Meetings.** During early 2000, in conjunction with the Indiana Judicial Center, staff helped organize judicial district business meetings for Districts 1, 2, 5, 6, and 13. During the meetings judges had an opportunity to review the district and local case redistribution plans, the progress of District *Pro Bono* Plans, update about the proposed Parenting Guidelines, and recent legislation. Business meetings for Judicial Districts 4, 7, 8, 9, 11, 12, and 13 took place in the spring of 2001.

**21) Committee on Local Rules.** At the request of the Supreme Court Committee on Rules of Practice and Procedure, the Supreme Court convened a special Local Rules Committee to examine the local court rules of Indiana's courts and to recommend a model structure for such rules. The Division administers, coordinates and provides staff to the new committee, which is chaired by the Hon. Margret Robb of the Indiana Court of Appeals. The first task of the committee during the reporting year was the compilation of all existing local rules into one place. The committee expects to complete its work by the end of 2002.

**22) Indiana Project on Self-Represented Litigants.** The Indiana Supreme Court, with the assistance of the Division and the Counsel to the Chief Justice, David Remondini, recently began the groundwork for a statewide *pro se* assistance network that will provide basic resources to self represented litigants. This project is funded for one year and was made possible through a grant from the State Justice Institute. A fifteen-member committee of judges, clerks, and others dedicated to assisting *pro se* litigants guides the project. The Division will house and administer the project.

Initially, the project will involve three pilot programs in Marion, Tippecanoe and Monroe Counties. The ultimate goal of this project is the development and implementation of uniform forms for statewide use in simple domestic relations litigations. The forms will be translated and available in Spanish.